

INCOMING TELEGRAM

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OCB REF: (A) PARIS TO DEPT 476, MAY 29 (B) EMBTEL 2674

CIA OSD ARMY NAVY AIR RMR MEETING ON ALERT MEASURES HELD JUNE 1 MINISTRY DEFENSE CHAIRMANSHIP MOD STRAUSS AFTER STATE SECRETARY RUST HAD OPENED MEETING WITH BRIEF STATEMENT MEETING BECAUSE OF LEVEL PARTICIPANTS CONSIDERED USEFUL SPUR ACTION BY GERMAN MINISTRIES INVOLVED. ALLIES REPRESENTED BY AMERICAN, BRITISH AMBASSADORS AND FRENCH MINISTER-COUNSELOR; SHAPE BY GENERAL GALE AND STAFF MEMBERS. ALSO REPRESENTATIVES FONOFF AND MINISTRY INTERIOR PRESENT. SUMMARY DISCUSSION FOLLOWS:

1. GERMAN LEGISLATION. WHILE PREPARATION ALERT MEASURES IN GERMAN MILITARY SECTOR COMPLETED, NUMBER OF MEASURES IN CIVILIAN SECTOR UNDER PRESENT LEGAL SITUATION CANNOT BE IMPLEMENTED. SOME REQUIRE AMENDING CONSTITUTION, OTHERS CAN BE ACCOMPLISHED SIMPLE LEGISLATION. STRAUSS STATED CATEGORICALLY LEGISLATION REQUIRING TWO-THIRDS MAJORITY FOR POLITICAL REASONS UNOBTAINABLE. OTHER LEGISLATION WILL BE INTRODUCED AT LATEST EARLY FALL IF NOT DURING PRESENT BUNDESTAG SESSION AND WILL INCLUDE:

- A) AMENDMENT LAW COMPULSORY MILITARY SERVICE ALLOWING GERMAN CIVILIANS SERVING WITH FORCES STATIONING POWERS TO BE DRAFTED GERMAN ARMED FORCES TO CONTINUE SERVICE IN CASE EMERGENCY;
- B) AMENDING FEDERAL REQUISITIONING LAW ALLOW EARMARKING IN PEACETIME GOODS, MATERIALS, PREMISES REQUIRED BY FORCES AND ALSO GIVING GERMAN MILITARY AUTHORITIES RIGHT REQUEST REQUISITIONS
- C) LAW DRAFT CIVILIAN LABOR IN EMERGENCY. FEDERAL GOVERNMENT ON BASIS CIVIL AIR PROTECTION LAW CONSIDERS LAW IN CONFORMITY CONSTITUTION AND WILL ON THAT ASSUMPTION SUBMIT BILL TO FEDERAL LEGISLATURE.

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-2- 2715, JUNE 3, 6 P.M., FROM BONN

2. ALLIED LEGISLATION. STRAUSS IMPLIES IN ABSENCE OVER-ALL EMERGENCY POWERS FEDERAL GOVERNMENT, THREE AMBASSADORS WILL HAVE TO TAKE ACTION IN EMERGENCY SUCH AS TEMPORARY SUSPENSION CONSTITUTIONAL RIGHTS, AUTHORIZATION FEDERAL AUTHORITIES ISSUE INSTRUCTIONS LAND GOVERNMENTS THEREBY IN EFFECT OVERRIDING FEDERAL STRUCTURE. STRAUSS ALSO SAID PENDING OVER-ALL LAW ENABLING FEDERAL GOVERNMENT RULE BY DECREE, FEDERAL GOVERNMENT MUST OBTAIN DELEGATION NECESSARY EMERGENCY POWERS FROM THREE AMBASSADORS. IN THIS CONNECTION MENTION WAS MADE DRAFT PROCLAMATION PREPARED BY THREE EMBASSIES AND HANDED FOREIGN OFFICE YEAR AGO, WHICH FONOFF SO FAR HAS FOUND UNACCEPTABLE, AND OF WHOSE EXISTENCE STRAUSS HITHERTO UNINFORMED.

3. GERMAN-ALLIED WORKING GROUP. STRAUSS EMPHASIZED WORK ON PREPARATION ALERT MEASURES IN PARTICULAR DETERMINATION REQUIREMENTS FORCES IN DETAIL, SIMILAR TO NATO HANDBOOK, MUST PROCEED IRRESPECTIVE PRESENT UNSATISFACTORY LEGAL SITUATION. HE SUGGESTED AND MEETING AGREED CONSTITUTE PERMANENT WORKING GROUP FOR THAT PURPOSE. COMPOSITION OF GROUP AND TERMS REFERENCE NOT FURTHER DISCUSSED.

STRAUSS SAID HE WOULD SEE CHANCELLOR NEXT DAY IMPRESS UPON HIM NEED CLARIFY LEGAL SITUATION. EMBASSY AWAITING CALL FROM DEFENSE MINISTRY FOR MEETING TO SET UP WORKING GROUP. MEETING PRODUCED USEFUL CLARIFICATION WHOLE PROBLEM ALERT MEASURES, AND REVEALED URGENT NEED FOR SPEEDY ACTION. STRAUSS EXPRESSED HIMSELF DETERMINED FOLLOW THROUGH PERSONALLY, AND CAN BE EXPECTED EXERT PRESSURE OTHER FEDGOVT AGENCIES THIS DIRECTION.

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